

Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Third Meeting Day

Thursday Afternoon


January 5, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative T. Brown.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays 
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy 
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis 	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman 
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris 	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount 
Klinker	Mr. Speaker

Roll Call 5: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

[Journal Clerk's Note: roll calls 3 and 4 were machine tests.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 9, 2006 at 1:30 p.m.

FOLEY

Motion prevailed.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1010 — Wolkins, Foley, Grubb

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1073 — Walorski, Davis, Neese, McClain

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1074 — Yount, Koch

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1075 — Friend

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1076 — Friend

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1077 — Gutwein, Lehe, Reske

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

HB 1078 — Kersey

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1079 — Stilwell

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1080 — Stutzman

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1081 — Yount, Murphy, Klinker, Day

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1082 — Kersey

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1083 — Kersey

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1084 — Bischoff

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1085 — Bischoff

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1086 — Buck

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1087 — Ripley

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1088 — Saunders

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1089 — J. Lutz

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1090 — Tincher

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1091 — Tincher

Committee on Natural Resources

A BILL FOR AN ACT concerning natural and cultural resources.

HB 1092 — Orentlicher

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1093 — Dobis, Cheney, Ayres

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1094 — Moses

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1095 — Dobis

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1096 — Woodruff

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1097 — Frizzell

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1099 — Frizzell

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1100 — Frizzell

Committee on Public Health

A BILL FOR AN ACT concerning human services.

HB 1101 — Walorski, Ruppel, Noe

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

HB 1102 — Ayres

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1103 — Yount

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1104 — Dvorak

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1105 — Cheney

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

HB 1106 — Crouch

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1107 — Crouch

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1108 — T. Brown

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1109 — T. Brown

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1110 — T. Brown

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1111 — T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1113 — Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1115 — Kuzman, L. Lawson

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1116 — Wolkins

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1117 — Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1118 — Cherry

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1119 — Cherry

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1121 — Orentlicher

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1122 — Budak, Ayres, Cheney

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1123 — Budak, L. Lawson

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

HB 1124 — Buck

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1125 — L. Lawson

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1126 — L. Lawson

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1127 — Davis

Committee on Education

A BILL FOR AN ACT concerning state offices and administration.

HB 1128 — Duncan

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1129 — Kromkowski

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1130 — Kromkowski

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1131 — Hinkle

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1132 — J. Smith

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1133 — J. Smith

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1135 — Burton

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1136 — Burton

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1137 — Orentlicher, Bardon

Committee on Education

A BILL FOR AN ACT concerning education finance and to make an appropriation.

HB 1138 — Bell

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

HB 1139 — Leonard

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1140 — Leonard

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1141 — Leonard

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1142 — Leonard

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1143 — Dodge

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1144 — Stevenson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1145 — Stevenson

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1146 — Stevenson

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1147 — Pelath, Kromkowski, Kuzman

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1148 — Crooks

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1149 — Crooks

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1150 — Crooks, J. Smith

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1151 — Cheney

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1152 — Gutwein

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1153 — Pelath, Budak

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

HB 1154 — Pelath

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1155 — Budak, J. Smith, Ulmer, Bardon

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1156 — Richardson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1157 — Richardson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1158 — Richardson

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1159 — Richardson

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HJR 2 — Frizzell

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 4 and 5 of the Indiana Constitution concerning the general assembly.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendments to the Constitution of the State of Indiana are proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and are referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 25 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 25. **(a) Except as provided in subsection (b),** a majority of all the members elected to each House shall be necessary to pass every bill or joint resolution. ~~and~~ All bills and joint resolutions ~~so~~ passed **under this subsection or subsection (b)** shall be signed by the Presiding Officers of the respective Houses.

(b) A bill that increases state tax rates or establishes a new state tax may not become law unless:

(1) at least two-thirds of the members elected to each House:

(A) declare that an emergency exists; and

(B) vote to approve the bill; or

(2) a majority of the persons voting in a statewide referendum approve the tax increase or new tax.

SECTION 3. ARTICLE 5, SECTION 14 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 14. (a) Every bill which shall have passed the General Assembly shall be presented to the Governor. The Governor shall have seven days after the day of presentment to act upon such bill as follows:

(1) He may sign it, in which event it shall become a law.

(2) He may veto it:

(A) In the event of a veto while the General Assembly is in session, he shall return such bill, with his objections, within seven days of presentment, to the House in which it originated. If the Governor does not return the bill within seven days of presentment, the bill becomes a law notwithstanding the veto.

(B) If the Governor returns the bill under clause (A), the House in which the bill originated shall enter the Governor's objections at large upon its journals and proceed to reconsider and vote upon whether to approve the bill. The bill must be reconsidered and voted upon within the time set out in clause (C). If, after such reconsideration and vote, a majority of all the members elected to that House shall approve the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered and voted upon, and, if approved by a majority of all the members elected to that House, it shall be a law.

(C) If the Governor returns the bill under clause (A), the General Assembly shall reconsider and vote upon the approval of the bill before the final adjournment of the next regular session of the General Assembly that follows the regular or special session in which the bill was originally passed. If the House in which the bill originated does not approve the bill under clause (B), the other House is not required to reconsider and vote upon the approval of the bill. If, after voting, either House fails to approve the bill within this time, the veto is sustained.

(D) In the event of a veto after final adjournment of a session of the General Assembly, such bill shall be returned by the Governor to the House in which it originated on the first day that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. The bill must be reconsidered and voted upon within the time set out in clause (C). If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) He may refuse to sign or veto such bill in which event it shall become a law without his signature on the eighth day after presentment to the Governor.

(b) Every bill presented to the Governor which is signed by him or

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

on which he fails to act within said seven days after presentment shall be filed with the Secretary of State within ten days of presentment. The failure to so file shall not prevent such a bill from becoming a law.

(c) In the event a bill is passed over the Governor's veto, such bill shall be filed with the Secretary of State without further presentment to the Governor, provided that, in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the action of the General Assembly which initially passed such bill.

(d) Notwithstanding subsection (a), a bill that increases state tax rates or establishes a new state tax does not become law over the veto of the Governor unless two-thirds of the members elected to each House approve the bill after reconsideration.

HJR 3— Day, Messer
Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 8 of the Indiana Constitution concerning education.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 8, SECTION 3 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, **to early childhood education programs as provided by law**, and to no other ~~purpose whatever~~ purposes.

The House recessed for the remarks of United States Congressman Dan Burton.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Pursuant to House Rule 60, committee meetings were announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:20 p.m. with the Speaker Pro Tempore, Representative Turner, in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1013, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1038, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1040, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 69, delete lines 19 through 42.

Delete page 70.

Page 71, delete line 1.

Page 235, delete lines 3 through 25.

Page 235, delete lines 38 through 42.

Page 236, delete lines 1 through 12.

Page 245, delete lines 8 through 26.

Page 459, line 18, after "SECTION 6;" insert "IC 34-46-3-2;"

Renumber all SECTIONS consecutively.

(Reference is to HB 1040 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representatives Noe, Welch, and Duncan be added as coauthors of House Bill 1013.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buell be added as coauthor of House Bill 1069.

AVERY

Motion prevailed.

On the motion of Representative Pelath, the House adjourned at 3:25 p.m., this fifth day of January, 2006, until Monday, January 9, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives